FARAD CONSTITUTION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2164/2007

Bhagyodaya Co-operative Housing Society Ltd., through its Secretary
...Versus...
Shri Pandurang Manikrao Kakde and another

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

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(Shri A.M. Bambal, Adv. for petitioner)

CORAM:- A.B. CHAUDHARI, J.
DATED :- 04.08.2007.

Heard Counsel for petitioner.

In the present writ petition there is challenge to the judgment of the Co-operative Court confirmed by the Appellate Court and again confirmed in review by the Appellate Court. The dispute is about amount of Rs. 11,880/- which the respondent claimed to have paid in excess to the President of Society.

It appears that the present Managing Committee of the Society has a dispute with the then Ex-President and others members of the Society. That

does not mean that the petitioner – Society can hound a member of the Society. At any rate, the petitioner – Society did not examine the claimant nor produced any record to show the receipt of Rs.77,000/- only and, therefore, the Courts below have rightly held that excess payment was received by Society and refused to interfere. I do not find any reason to interfere in the writ jurisdiction. Writ Petition is dismissed. No order as to costs.

JUDGE

ssw